

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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QUINTINA DESCHENIE,  
GLORIA JEAN TODACHEENE,  
FANNIE L. ATCITY, and  
PATRICIA EMRICK,

Plaintiffs,

v.

Civil No. 03-1226 WJ/DJS

BOARD OF EDUCATION OF CENTRAL  
CONSOLIDATED SCHOOL DIST. NO. 22,  
RANDY J. MANNING, individually and in his  
capacity as School Board President,  
GARY D. RAY, individually and in his  
capacity as School Board Vice President,  
STANLEY R. KING, individually and in his  
capacity as School Board Secretary,  
LINDA BESETT, individually and in her  
capacity as Superintendent of Schools,  
JAY MORTENSEN, individually and in his  
capacity as Assistant Superintendent of Schools, and  
DENNIS NICHOLSON, individually and in his  
capacity as Assistant Superintendent of Schools,


Defendants.

**MEMORANDUM OPINION AND ORDER**

THIS MATTER comes before the Court upon Defendant The Daily Times' Motion to Dismiss for Failure to State a Claim, or in the Alternative, for More Definite Statement, filed August 12, 2004 (**Doc. 52**), and Defendant Harry Descheenie's Motion to Dismiss for Failure to State a Claim, filed August 18, 2004 (**Doc. 54**). By stipulation of the parties involved, claims asserted by Third-Party Plaintiff Linda Besett against both Defendant Daily Times and Harry Descheenie have been dismissed with prejudice. See, Docs. 79 and 89. The dismissal of Ms.

Besett's claims against the Daily Times and Harry Descheenie renders the dispositive motions filed by these Third-Party Defendants moot. Therefore, both motions to dismiss (**Docs. 52 and 54**) are DENIED AS MOOT.

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE